

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Dec 19, 2022**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Brian James Lindsey

Case Number: 0980 2:22CR00107-TOR-1

Address of Offender: [REDACTED] Spokane, Washington 99207

Name of Sentencing Judicial Officer: The Honorable Edward J. Lodge, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: October 20, 2015

Original Offense: Interference with Commerce by Robbery, Aid and Abet the Same, 18 U.S.C. §§ 1951 and 2

Original Sentence: Prison - 97 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Patrick J. Cashman

Date Supervision Commenced: January 19, 2022

Defense Attorney: Federal Defender's Office

Date Supervision Expires: January 18, 2025

PETITIONING THE COURT

To issue a summons.

On January 20, 2022, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Lindsey, as outlined in the judgment and sentence. He signed the judgment acknowledging the requirements.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<p><u>Mandatory Condition #3:</u> The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of five (5) periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. Cost to be paid by both the defendant and the government based upon the defendant's ability to pay.</p>
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Supporting Evidence: On or about November 23, 2022, Brian Lindsey allegedly violated mandatory condition number 3 by failing to report for random urinalysis testing as instructed.

On the morning of November 23, 2022, the undersigned officer contacted the offender, as he had not contacted this officer in approximately 2 months. Mr. Lindsey contacted this officer later that afternoon and claimed he and his wife were "on a road trip." The offender was ultimately instructed to report to the U.S. Probation Office for a random urinalysis by 4:30 p.m., but he failed to report as instructed.

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The offender claimed he was unable to report for urinalysis testing because his vehicle stalled on the highway, but when this officer asked for a copy of the tow receipt, Mr. Lindsey then claimed he was able to fix the vehicle without the need for a tow truck.

Because of the Thanksgiving holiday, the offender was subsequently instructed to report to the U.S. Probation Office on November 28, 2022, to meet with the assigned probation officer.

- 2 **Mandatory Condition #3:** The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of five (5) periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. Cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On or about November 24, 2022, Brian Lindsey allegedly violated mandatory condition number 3 by consuming fentanyl.

On November 28, 2022, the offender reported to the U.S. Probation Office as instructed. He was subject to random urinalysis testing and provided a urine sample that was presumptive positive for fentanyl. The offender admitted to last using fentanyl on or about November 24, 2022, and he signed an admission of use form confirming his use.

Although he initially attempted to suggest that this was an isolated instance of use, the offender eventually admitted using fentanyl for a "few weeks," which coincides with the fact that Mr. Lindsey failed to check-in with undersigned for approximately 2 months.

- 3 **Mandatory Condition #3:** The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of five (5) periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. Cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On or about December 5, 2022, Brian Lindsey allegedly violated mandatory condition number 3 by consuming fentanyl.

On December 5, 2022, the offender reported to the U.S. Probation Office as instructed and was subject to random urinalysis testing. Mr. Lindsey provided a urine sample that was presumptive positive for fentanyl, and he admitted to the use of fentanyl on December 5, 2022, shortly before reporting to the U.S. Probation Office to meet with this officer; he signed an admission of use form confirming his use.

- 4 **Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: On December 7, 2022, Brian Lindsey allegedly violated standard condition number 3 by prematurely discharging from a detox program, despite the treatment provider's recommendation and this officer's instructions.

In response to his use of fentanyl, Mr. Lindsey was instructed to contact his substance abuse treatment provider, Pioneer Human Services (PHS), to schedule an updated assessment.

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On December 5, 2022, the offender notified the undersigned officer that PHS was recommending he check into a detox program as soon as possible, then transition into an inpatient treatment program. As such, PHS arranged for Mr. Lindsey to report to the Spokane Regional Stabilization Center (SRSC) on December 6, 2022.

On December 5, 2022, after he again admitted to the use of fentanyl, Mr. Lindsey was instructed to report to the SRSC as arranged on December 6, 2022; the offender was further instructed to remain in the detox program until he was successfully discharged, and in the meantime this officer would work with PHS to obtain an inpatient bed date.

On the evening of December 6, 2022, the offender reported to the SRSC as arranged.

On December 7, 2022, less than 24 hours after checking into detox, Mr. Lindsey elected to discontinue his treatment program against the advice of the SRSC.

5 **Mandatory Condition #3:** The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of five (5) periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. Cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On or about December 8, 2022, Brian Lindsey allegedly violated mandatory condition number 3 by consuming fentanyl.

On December 8, 2022, the offender checked into the Spokane Treatment and Recovery Services (STARS) detox program.

On December 12, 2022, Mr. Lindsey's assigned treatment provider with STARS informed this officer that the offender admitted to the use of Fentanyl on or about December 8, 2022, shortly before he checked into the detox program.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/19/2022

s/Amber M.K. Andrade

Amber M.K. Andrade
U.S. Probation Officer

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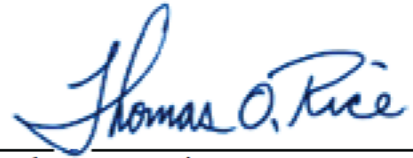
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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Thomas O. Rice
United States District Judge

December 19, 2022

Date